

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**DON EUGENE SIEGELMAN,  
PAUL MICHAEL HAMRICK,  
GARY MACK ROBERTS, and  
RICHARD M. SCRUSHY**

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**CRIMINAL NO. 2:05-CR-119-MEF**

**UNITED STATES' PROPOSED VOIR DIRE QUESTIONS**

COMES NOW the United States of America, by and through Louis V. Franklin, Sr., Acting United States Attorney for the Middle District of Alabama, and Andrew C. Lourie, Acting Chief of the Public Integrity Section of the Criminal Division of the United States Department of Justice, and respectfully requests that the Court propound the attached questions to the jury venire in the above-styled case.

Respectfully submitted this the 3<sup>rd</sup> day of April, 2006

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<b>RICHARD M. SCRUSHY</b>	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

LOUIS V. FRANKLIN, SR.  
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1. Has any member of the panel, or a relative or close friend ever been employed by a law firm or other organization which participates in the defense of criminal cases?

If so, please state their names, the type of law they practice and the location of their practice.

If a relative was or is so employed, do you often discuss their jobs with them?

2. Does any member of the panel know any of the Defendants in this case or any member of his family or his friends on either a personal, business, or professional basis?

If so, who, and in what capacity?

3. Do each and every one of you understand that during the course of the trial an attorney is not permitted to speak to the jurors and, therefore, if you see an attorney in the hall or on the street, you should not hold it against the attorney if he or she does not acknowledge you or speak to you?

4. Do any of you have any convictions that would prevent you from being a fair and impartial juror in this case or that would prevent you from sitting in judgment on your fellow man?

5. Can all of you decide this case solely on the evidence presented in this courtroom, applying the law as given to you by the Court, and decide it without (a) bias, (b) prejudice, and (c) sympathy?

6. Is there any reason why any of you would be unable to reach a fair and impartial verdict based solely upon the evidence submitted during the trial and the instructions which the judge gives you?

7. I am going to instruct you that jurors are to make determinations of fact and are to act as judges of the facts based on what they see and hear presented in the course of a trial. Does anyone have any reason or belief that you will not be able to follow my instruction and base your decisions solely on the evidence presented to you in the courtroom?

8. I am going to instruct you that some witnesses in this case may be law enforcement officers and government officials. The credibility of these witnesses is to be judged by the same standards

as any other witness. Their testimony is not entitled to any greater or lesser weight simply because they are involved in law enforcement or are government officials. Does anyone have any reason or belief that you will not be able to follow my instruction and base your decisions about the credibility of each witness solely on your independent assessment of that witness at trial?

9. I am going to instruct you that you should keep an open mind and should not form or state any opinion about the case one way or the other until you have heard all of the evidence and have had the benefit of the closing arguments of the lawyers as well as the judge's instructions to you on the applicable law. Does anyone have any reason or belief that you will not be able to follow my instruction?

10. I am going to instruct you that an indictment in a criminal case is merely the accusatory paper which states the charge or charges to be determined at trial, but it is not evidence against the defendants or anyone else. Does anyone have any reason or belief that you will not be able to follow my instruction and then base your decisions solely on the evidence presented to you in the courtroom?

11. I am going to instruct you that the defendants have entered pleas of "not guilty" and are presumed by the law to be innocent and that the Government has the burden of proving a defendant guilty beyond a reasonable doubt, and if it fails to do so you must find that defendant not guilty. Does anyone have any reason or belief that you will not be able to follow my instruction and then base your decisions solely on the evidence presented to you in the courtroom?